

### REMARKS

In response to the Final Office Action mailed February 3, 2009, and pursuant to the filing of a Request for Continued Examination (RCE) filed concurrently herewith, Applicants respectfully request reconsideration and entry of this amendment. To further the prosecution of this application, amendments have been made in the claims, and each of the rejections set forth in the Office Action has been carefully considered.

Claims 1-5, 8-13, 15-19, 21-26, 28-32, 34-39, 41, 42, and 44-47 were previously pending in this application. By this amendment, claims 1, 4, 15, 18, 28 and 32 have been amended. Claims 3 and 31 have been canceled without prejudice or disclaimer. New claims 48 and 49 have been added. As a result, claims 1, 2, 4, 5, 8-13, 15-19, 21-26, 28-30, 32, 34-39, 41, 42, and 44-49 are pending for examination, with claims 1, 15 and 28 being independent. No new matter has been added.

#### Rejections under 35 U.S.C. §103

The Final Office Action rejected claims 1-5, 8-14, 28-32, 34-40, and 45-47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2006/0084417 (Melpignano) in view of U.S. Patent No. 6,807,163 (Shi).

The Final Office Action has also rejected claims 15-19, 21-27, and 41-42 under 35 U.S.C. §103(a) as being unpatentable over Melpignano in view of U.S. Patent Application No. 2004/0116140 (Babbar) and in further view over Shi.

#### Independent Claim 1

Claim 1 is directed to a computing system supporting network selection based upon network information spanning multiple communication media. Claim 1 recites "the media specific module interface comprises a normalization module that standardizes communication requests it receives from the rules engine directed to network interfaces."

Claim 1 clearly distinguishes from the prior art of record. The Office Action asserts that Melpignano teaches this limitation via paragraph 49. It does not. Paragraph 49 describes a *multistandard* wireless adaption layer. In contrast, the claim recites "a normalization module that *standardizes* communication requests it receives from the rules engine directed to network

interfaces.” Melpignano’s multistandard wireless adaption layer is a handles all existing software device drivers for the network interface cards (§ 49). The multistandard wireless adaption layer is controlled by an IfManager, which takes care of wireless interface connectivity (§ 49, 54). In contrast, the claim recites, “a normalization module that *standardizes* communication requests it receives from the rules engine directed to network interfaces.” Melpignano is completely silent on “a normalization module that *standardizes* communication requests it receives from the rules engine directed to network interfaces.”

Shi is cited to teach adaptive scanning and does not cure this deficiency. Consequently, prior art of record simply does not teach or suggest “the media specific module interface comprises a normalization module that standardizes communication requests it receives from the rules engine directed to network interfaces.”

Accordingly, claim 1 patentably distinguishes over the prior art of record, so that the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn.

Claims 2, 4, 5, 8-13, 41, 42, and 45-48 depend from claim 1, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

#### Independent Claim 15

Claim 15 is directed to a method for selecting a network and interface combination. Claim 15 recites “the accumulating facilitated by a normalization module that standardizes communication between a set of media specific modules and a rules engine.”

Claim 15 clearly distinguishes from the prior art of record. The Office Action asserts that Melpignano teaches this limitation via paragraph 49. It should be clear from the discussion above related to claim 1 that the prior art of record fails to satisfy this limitation.

Accordingly, claim 15 patentably distinguishes over the prior art of record, so that the rejection of claim 15 under 35 U.S.C. §103 should be withdrawn.

Claims 16-19 and 21-26 depend from claim 15, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

#### Independent Claim 28

Claim 28 is directed to a computer-readable medium including computer-executable instructions for facilitating selecting a network and interface combination. Claim 28 recites “the accumulating facilitated by a normalization module that standardizes communication between a set of media specific modules associated with multiple distinct types of communication media drivers and a rules engine.”

Claim 28 clearly distinguishes from the prior art of record. The Office Action asserts that Melpignano teaches this limitation via paragraph 49. It should be clear from the discussion above related to claim 1 that the prior art of record fails to satisfy this limitation.

Accordingly, claim 28 patentably distinguishes over the prior art of record, so that the rejection of claim 28 under 35 U.S.C. §103 should be withdrawn.

Claims 29, 30, 32, 34-39, 44 and 49 depend from claim 28, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

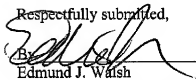
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70193US00.

Dated: June 3, 2009

Respectfully submitted,

  
By \_\_\_\_\_

Edmund J. Walsh  
Registration No.: 32,950  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000

x06/03/09x